

REC'D IN PRO SE OFFICE
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MARY NAULA

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION; RENEE KLAGER,
Principal of MS 379Q- College Point Collaborative

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

**MORRISON, J.
BLOOM, M.J.**

Case No. 24-CV-333

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Mary Naula</u>
Street Address	<u>43-14 28th Avenue</u>
City and County	<u>Astoria, Queens</u>
State and Zip Code	<u>New York, 11103</u>
Telephone Number	<u>(917) 635-7735</u>
E-mail Address	<u>mnaula04@aol.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>New York City Department of Education</u>
Job or Title (if known)	<u></u>
Street Address	<u>100 Church Street</u>
City and County	<u>New York, NY</u>
State and Zip Code	<u>New York 10007</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

Defendant No. 2

Name	<u>Renee Klager</u>
Job or Title (if known)	<u>Principal of M.S. 3790- College Point Collaborative</u>
Street Address	<u>12406 14th Ave</u>
City and County	<u>College Point, Queens</u>

State and Zip Code New York 11356
Telephone Number (929) 362-3300
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name M.S. 3790 - College Point Collaborative
Street Address 12406 14th Ave.
City and County College Point, Queens
State and Zip Code New York 11356
Telephone Number (929) 362-3300

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☒ Relevant state law (*specify, if known*):

New York State Human Rights Law

☒ Relevant city or county law (*specify, if known*):

New York City Human Rights Law

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts (*specify*): Please see attached addendum

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Please see attached.

C. I believe that defendant(s) (*check one*):

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race Hispanic
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☒ national origin Ecuadorian
- ☐ age. My year of birth is _____. *(Give your year of birth only if you are asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

Please see attached addendum.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

11/08/2022

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on *(date)*

10/19/2023

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Removal of the discontinuance from my personnel file within the DOE. I would also like the "U" rating removed from my file. I am also seeking monetary damages to account for the lost salary/benefits and per session opportunities I was not able to fulfill. Finally, I am seeking compensation for the mental pain, anguish, and suffering that I have experienced as a result of the discrimination and retaliation I experienced.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 9, 2024

Signature of Plaintiff

Printed Name of Plaintiff

Mary Naula
Mary Naula

ADDENDUM TO FEDERAL COMPLAINT FOR MARY NAULA @ 1/9/2024

1. I was employed with the New York City Department of Education (“DOE”) as a guidance counselor at College Point Collaborative Middle School MS379Q (“the School”) within District 25 in Queens from February 2019 until July 8, 2022. My principal at MS379Q was Renee Klager and is Caucasian.
2. I am of Hispanic race/national origin and of Ecuadorian descent.
3. Shortly after I raised concerns with Principal Renee Klager regarding disparate treatment Hispanic students and staff experienced, including myself, relative to their Caucasian counterparts, Principal Klager subjected me to poor performance reviews, unwarranted disciplinary letters to file, and discontinued me from my position on June 6, 2022, effective July 8, 2022.
4. In December 2021, Hispanic students participating in the School’s Winter performance dance believed that a white student was given preferential treatment when Principal Klager modified the performance to accommodate the Caucasian student. As a result of the issues this created, the performance was ultimately canceled.
5. Following the cancellation of the performance, I began to receive a significant number of complaints from Hispanic students, pertaining to disparate treatment they perceived the aforementioned white student received at the school.
6. I raised the complaints the Hispanic students made with me to Principal Klager throughout the 2021-2022 school year. Specifically, during a guidance team meeting in early April 2022, I spoke to Principal Klager about several minority students who felt targeted and unfairly accused of wrongdoing when Caucasian students reported it; however, when Hispanic students reported misconduct of Caucasian students, their reports were ignored.

7. On the morning of April 8, 2022, I was brought into the principal's office by a school secretary who asked me to speak to the parent of a Hispanic student who called the school.
8. I took the phone call in the main office right outside of Principal Klager's office where she was at the time. I believe she could hear my end of the conversation.
9. During the call, the parent complained that her daughter was being bullied at school, Dean Johnsen knew about it, and yet the school did nothing to intervene or resolve this issue. I told the parent to schedule a meeting with Principal Klager and the school's administration to discuss the parent's concerns.
10. Later that same day, Principal Klager gave me a 48-hour notice for a disciplinary conference, scheduled for April 14, 2022.
11. The disciplinary meeting with Principal Klager occurred on April 13, 2022. As a result, Principal Klager gave me a disciplinary letter to file alleging professional misconduct on April 8, 2022, for leaving a student in my office "unsupervised", despite the fact a social worker was present with the student.
12. I believe Principal Klager issued me this disciplinary letter in direct retaliation for guiding a Hispanic parent on how to make a complaint with the school.
13. In early to mid-May 2022, I translated and presented to Principal Klager a complaint made by a Hispanic parent. This complaint alleged disparate treatment of the school's Hispanic students relative to Caucasian students. Specifically, Principal Klager assigned a paraprofessional to a Caucasian student who was experiencing bullying. When a Hispanic parent requested a paraprofessional be assigned to their child, Principal Klager stated the school did not have the budget to assign another paraprofessional.

14. On May 20, 2022, Principal Klager summoned me to another disciplinary conference set to be held on May 26, 2022.
15. This disciplinary conference was ultimately held on June 1, 2022, and as a result, on June 3, 2022, I received another disciplinary letter to file alleging professional misconduct once again.
16. This disciplinary letter alleged that I failed to report a bullying incident that was brought to my attention. In fact, for this incident, I translated a letter for Dean Johnsen and informed her of the situation. Despite providing even less intervention into the situation than I did, Dean Johnsen, who is Caucasian, did not receive a disciplinary letter to file like I did.
17. On June 8, 2022, Principal Klager issued me an “Unsatisfactory” rating. The only other rating I received from February 2019 through June 2022, was a “Satisfactory” for Summer 2021.
18. The reasons provided to me to justify the “Unsatisfactory” rating were untrue and incredibly misleading. For many of the component areas where Principal Klager marked a “U” on the rating sheet, I was never given a warning, complaint, or received any discipline pertaining to that category domain.
19. On June 6, 2022, I was informed that Principal Klager had elected to discontinue my probationary service. On July 8, 2022, I received a letter from District 25 Superintendent Danielle DiMango stating that she had affirmed my Discontinuance of Probationary Service.
20. On June 14, 2022, my school accounts, including my email, were deactivated. I brought this issue to Principal Klager’s attention both verbally and in writing. This deactivation

significantly hindered my ability to report and record progress notes. This significantly impacted my job as I concluded the school year with my students.

21. Even after my discontinuance from the school, I continued to experience retaliation from Principal Klager and her administration.
22. On November 30, 2022, I received an email from the DOE's Office of Personnel Investigation ("OPI") that my application for security clearance could no longer be processed with the DOE because of a pending allegation against me before DOE's Office of Special Investigations ("OSI").
23. As a result of the allegations pending against me before OSI, I was unable to take another position as a school counselor within the DOE. I believe that but for the allegations against me which prevented me from obtaining security clearance, I would have been able to obtain the position in the DOE.
24. I was also temporarily prevented from obtaining New York State Unemployment Insurance benefits following my termination from the DOE on July 8, 2022. The DOE falsely claimed that I failed to provide a valid Guidance Counselor license to enable me to continue working for the 2022-2023 school year.
25. At the unemployment insurance hearing, the DOE failed to produce any witness who could state with sufficient particularity its reasons for objecting to my entitlement to benefits. Following the hearing I was awarded benefits.
26. I believe that I have been discriminated against on the basis of my race and national origin as evidenced by the disparate treatment I experienced relative to my Caucasian coworkers.

27. Further, I believe that I have been retaliated against based on race and national origin by raising concerns with Principal Klager on behalf of the parents of Hispanic students and the Hispanic students at the school who were treated less well than their Caucasian peers.

28. As a result of the discrimination and retaliation, I was subjected to disparate treatment relative to my Caucasian colleagues; subjected to adverse employment actions including allegations of misconduct, disciplinary conferences, and subsequent letters to file; Unsatisfactory ratings; and ultimately the discontinuance of my employment from the School effective July 8, 2022; allegations made to OSI which prevented subsequent employment with the DOE; and the DOE contesting my entitlement to Unemployment benefits despite any valid basis to do so.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 10/19/2023

To: Mary Naula
43-14 28th Avenue
Apt 23
Long Island City, NY 11103

Charge No: 16G-2023-00571

EEOC Representative and email: HERNAN MORALES
State and Local Program Manager
HERNAN.MORALES@EEOC.GOV

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Timothy Riera
10/19/2023

Timothy Riera
Acting District Director

Cc: NYC Department of Education
Attn: Annemarie Caruso -- Agency Attorney
52 Chambers Street
Room 308
New York NY 10007

Please retain this notice for your records.

New York State Division of Human Rights Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:			
First Name <u>Mary</u>		Middle Initial/Name <u>A</u>	
Last Name <u>Naula</u>			
Street Address/ PO Box <u>43-14 28th Ave</u>		Apt or Floor #: <u>23</u>	
City <u>Astoria</u>		State <u>NY</u>	Zip Code <u>11103</u>
If you are filing on behalf of another, provide the name of that person:		Date of birth:	Relationship:
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)			
<input checked="" type="checkbox"/> Employment (including paid internship)		<input type="checkbox"/> by a Labor Organization	
<input type="checkbox"/> Internship (unpaid)		<input type="checkbox"/> Apprentice Training	
<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)		<input type="checkbox"/> by a Temp or Employment Agency	
<input type="checkbox"/> Volunteer Position		<input type="checkbox"/> Licensing	
3. You are filing a complaint against:			
Employer, Worksite, Agency or Union Name <u>New York City Department of Education/ M.S. 379 College Point Collaborative</u>			
Street Address/ PO Box <u>124-06 14th Ave</u>			
City <u>College Point</u>		State <u>NY</u>	Zip Code <u>11356</u>
Telephone Number: <u>929-362-3300</u>			
In what <i>county or borough</i> did the violation take place? <u>Queens</u>			
Individual people who discriminated against you:			
Name: <u>Renee Klager</u>		Title: <u>Principal</u>	
Name: _____		Title: _____	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on: <u>07</u> <u>08</u> <u>2022</u> month day year			
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know			

6. Are you currently working for this company?	
<input type="checkbox"/> Yes. Date of hire: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What is your position?
<input checked="" type="checkbox"/> No. Last day of work: <u>07</u> <u>08</u> <u>2022</u> <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What was your position? School Counselor
<input type="checkbox"/> I was never hired. Date of application: _____ <div style="display: flex; justify-content: space-around; width: 100%;"> month day year </div>	What position did you apply for?

7. Basis of alleged discrimination:	
Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input checked="" type="checkbox"/> National Origin: Please specify: <u>Ecuadorian</u>
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input checked="" type="checkbox"/> Race/Color or Ethnicity: Please specify: <u>Hispanic</u> <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:	
<input type="checkbox"/> Retaliation: How did you oppose discrimination: _____	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.	
<input type="checkbox"/> Relationship or association	

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: denied per session work opportunities

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Please see attached addendum.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL MN

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." You must complete either the "declaration" or "oath" sections below. The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 27th day of October (month), 2022 (year) at New York (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Mary Naula
(Complainant name)

OATH

STATE OF NEW YORK)
COUNTY OF New York) SS:

Mary Naula, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Mary Naula
Complainant signature

Subscribed and sworn to
before me this 27th day
of October, 2022

Rachel Badal
Signature of Notary Public

RACHEL BADAL
Notary Public, State of New York
No. 01BA6087097
Qualified in Kings County
Commission Expires Feb. 10, 2023

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Additional Information, Page 1: *This page is for the Division's records and will not be sent to the company or person(s) whom you are filing against.*

1. Contact information

My primary telephone number: 917-635-7735

My secondary telephone number:

My date of birth: April 19, 1992

(Required) My email address: mnaula04@aol.com

The Division uses email, whenever possible, to communicate with the parties to complaints. This avoids delays and lost mail, and increases the efficiency of Division case processing. Therefore, you are required to provide an email address, if you have one, and to keep us advised of any change of your email address. The Division will not use your email address for any non-case related matters.

Contact person (Someone who does not live with you but will know how to contact you if we cannot reach you)

Contact person's name: Javier Provencio

Contact person's telephone number: 201-640-6828

Contact person's address: 254-25 74th Avenue, Glen Oaks, NY 11004

Contact person's email address: javierprovencio88@live.com

Contact person's relationship to me: partner

2. Special needs: I am in need of:

- ☐ Interpretation (if so what language?): _____
- ☐ Accommodations for a disability: _____
- ☐ Privacy. Keep my contact information confidential as I am a victim of domestic violence
- ☐ Other: _____

3. Settlement / Conciliation: To settle this complaint, I would accept:

(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, job offer, return to the job, an end to the harassment, compensation, etc.?)

Removal of discontinuance, removal of U rating, monetary damages for lost salary/benefits and per session opportunities. Emotional distress damages.

4. Witnesses (information about witnesses may be shared with the parties as necessary for the investigation) The following people saw or heard the discrimination and can act as witnesses:

Name: Paloma Hernandez

Telephone Number: 646-925-7227

What did this person witness?

Discrimination towards minorities.

Title Spanish Teacher

Relationship to me: Co-Worker

Name: _____

Telephone Number: _____

What did this person witness?

Title: _____

Relationship to me: _____

Additional Information, Page Two

5. Did you report or complain about the discrimination to someone else? ☐ Yes ☒ No

If yes, how exactly did you complain about the discrimination? (To whom did you complain?)

Date you reported or complained about discrimination:

month

day

year

What happened after you complained?

If you did not report the discrimination, please explain why:

I was worried about being retaliated against.

6. Were other people treated the same as you? How?

(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

Yes, Paloma Hernandez was terminated from her position as a Spanish teacher. She is also Hispanic.

7. Were other people treated better than you? How?

(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

Yes, Heather Johnsen who was involve in the same situation I was disciplined and terminated for, did not get into any trouble as I did. Heather Johnsen is Caucasian.

Addendum to SDHR Complaint for Mary Naula - 10/27/22

1. I am of Hispanic race/national origin, with a background from Ecuador.
2. I was employed as a school guidance counselor with the New York City Department of Education (NYCDOE) at College Point Collaborative MS379Q Middle School within District 25 in Queens, from February 2019, until July 8, 2022.
3. My school principal at MS379Q was Renee Klager, who is Caucasian. The majority of the staff members at the school are Caucasian.
4. I received no Unsatisfactory annual ratings in my record prior to the Unsatisfactory rating Principal Klager gave me in June 2022 for the 2021-22 school year.
5. Principal Klager created a hostile work environment to make minority students and staff feel disempowered. She often allowed students of color to be yelled at by the Caucasian dean, and to be treated less favorably than Caucasian students.
6. Principal Klager often has shown preference to Caucasian students over Hispanic students. For example, on or about April 2022, Principal Klager assigned a full-time paraprofessional to a Caucasian student being bullied when the student's parent complained, while refusing to assign a full-time paraprofessional to a Hispanic student who was similarly being bullied.
7. Principal Klager also has made discriminatory remarks about an eighth-grade student J.D. In or around May 2022, Principal Klager made a comment in my presence that "he will end up in jail" when referring to a male Hispanic student.
8. Principal Klager gave me two unjustified disciplinary letters to file, dated April 13, 2022, and June 1, 2022, in the course of properly performing my duties. The dean involved in one of the incidents, Heather Johnsen, who is Caucasian, also could have been disciplined

by the administration for lack of reporting an incident, but she did not receive similar discipline as I did.

9. I received a probationary notice of discontinuance dated June 6, 2022, and I was officially discontinued from my employment effective July 8, 2022.
10. My DOE email was deactivated about a month prior to my last day of work. I made complaints about it and reported the issue to the DOE help desk and Principal Klager. Nothing was done about it until my last day of work, when it was reactivated only for my last day.
11. Principal Klager also issued me an unwarranted Unsatisfactory annual rating, dated June 8, 2022, falsely rating me Unsatisfactory in several different categories.
12. On September 15, 2022 at 10:14 am, the NYS Department of Labor reached out to me regarding my status of unemployment and mentioned that they are investigating the status since Principal Klager told them that the reason I was terminated was because I do not have proper license to work. This is another false statement from Principal Klager which could affect my livelihood, as I did in fact have the proper license to work.
13. I believe I have been discriminated against based on my race/national origin resulting in the discriminatory discontinuance of my employment.

JS 44 (Rev. 4-29-21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Mary Naula

(b) County of Residence of First Listed Plaintiff Queens

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mary Naula, Pro Se 43-14 28th Ave, Astoria, NY 11103
(917) 635-7735

DEFENDANTS

New York City Department of Education and Renee Klager,

County of Residence of First Listed Defendant New York

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

Does this action include a motion for temporary restraining order or order to show cause? Yes ☐ No ☐

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII of the Civil Rights Act of 1964

Brief description of cause:

Discrimination on the basis of race and national origin in violation of the Title VII of the Civil Rights Act of 1964.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration ☐

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

☐
☐
☐

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,

the complaint seeks injunctive relief,

the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 1(c)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? ☐ Yes ☒ No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? ☐ Yes ☒ No
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? ☒ Yes ☐ No
- c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? ☐ Yes ☐ No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☐

Yes

☒

No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐

Yes (If yes, please explain

☒

No

I certify the accuracy of all information provided above.

Signature: _____